

REMARKS

Claims 1-10, 13, 15-16, 23-32, 35, 37-38, and 45-51 are pending in the application. Claims 1, 3, 9, 13, 23, 35, 46-49, and 51 have been amended and claims 11-12, 14, 17-22, 33-34, 36, and 39-44 have been cancelled. No new matter has been introduced by the amendment.

Request for Withdrawal of Final Rejection Status

MPEP § 706.07(b) provides, in part, that a first office action final rejection is proper where "all claims" of the new application are drawn to the same invention. The applicants respectfully assert that a first office action should not be final where, in conjunction with a Request For Continued Examination, the applicants introduce amended claims to further distinguish the cited references and new claims directed to additional subject matter.

The applicants assert that the response filed with their RCE application amended their claims so as to recite distinctly patentable subject matter. Further, the applicants presented new claims 47-51 drawn to additional subject matter within the scope of the applicants' invention. In view of the changes made to the applicants' existing claims and the newly presented claims in their response, the applicants assert that the final rejection is premature. Accordingly, the applicants respectfully request withdrawal of the final rejection.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-10, 12-18, 22-32, 34-40, 45-47, and 50 have been rejected over Bunczek et al. This rejection is overcome in view of the amendment of claims 1, 23, 46, and 47 together with the following remarks.

Claims 1, 23, and 46 have been amended to recite a chewing gum base having an ultrahigh molecular weight polyvinyl acetate with a concentration of at least about 60% by weight of the chewing gum base. Claim 47 has been amended to recite that the chewing gum base have an ultrahigh molecular weight polyvinyl

acetate concentration ranging from about 60% to about 65% by weight. Claim 47 has further been amended to recite a particular range of plasticizer and an amount of filler in correspondence with compositions described by the applicants in Table 1 of their specification.

The applicants respectfully assert that their claimed composition exhibits a dramatic and unexpected improvement in removability of the gum base from surfaces. These results are related to the large increase in cohesiveness of the gum base obtained by the formulation of the base to include at least 60 wt.% ultrahigh molecular weight polyvinyl acetate, which has a molecular weight ranging between about 100,000 and about 600,000 Daltons.

The applicants have demonstrated the improved cohesion of their gum base in the comparative results illustrated in Table 3 of their specification. In particular, Examples 3 and 4, which contain 65 wt. % and 60 wt. % ultrahigh molecular weight polyvinyl acetate, respectively, both exhibit complete removability from indoor smooth surfaces. The applicants respectfully assert that such improved removability through the addition of at least about 60 wt. % ultrahigh molecular weight polyvinyl acetate is not suggested or disclosed by the cited prior art.

As pointed out by the applicants in their response of January 26, 2004, Bunczek et al. disclose a gum base having siloxane to reduce the adhesiveness of the gum base. Although Bunczek et al. disclose a number of polar polymers, one of which being polyvinyl acetate, there is no suggestion by Bunczek et al. for the addition of ultrahigh molecular weight polyvinyl acetate for cohesion improvement. Although Bunczek et al. sets forth a large list of polar polymers having a molecular weight ranging from 10,000 to about 200,000, Bunczek et al. do not disclose the formulation of a gum base having improved removability with ultra high molecular weight polyvinyl acetate ranging to 600,000 daltons. Further, all embodiments of the gum base composition disclosed by Bunczek et al. include siloxane polymers in concentrations ranging from about 8 wt. % to about 95 wt. %. (See for example

Col. 3, ll. 39-44). The claimed composition exhibits the unexpected improvement in removability without the need to add siloxane as disclose by Bunczek et al.

Claims 3 and 9 have been amended to correct an inadvertent typographical error. Claims 3 and 9 depend directly and indirectly, respectively, from claim 1 and are allowable in view of the amendment and remarks pertaining to claim 1.

Claim 13 has been amended to recite that the chewing gum composition of claim 1 have about 65% by weight ultrahigh molecular weight polyvinyl acetate.

Claims 2-10 and 15-16 depend either directly or indirectly from claim 1 and are allowable in view of the amendment and remarks pertaining to claim 1.

Claims 24-32, 37-38, and 45 depend either directly or indirectly from claim 23 and are allowable in view of the amendment and remarks pertaining to claim 23.

Claim 35 has been amended to recite that the chewing gum composition of claim 1 have about 65% by weight ultrahigh molecular weight polyvinyl acetate.

Claim 48 has been amended to correct the inadvertent misspelling of "plasticizer." Further, claims 48 and 49 have been amended to maintain correspondence with the amendment of claim 47 from which they depend.

Claim 51 has been amended to correct the inadvertent misspelling of "emulsifier."

Claims 50 and 51 depend from claim 47 and are allowable in view of the amendment and remarks pertaining to claim 1.

The rejection of claims 12, 14, 34, 36, and 39-40 is now moot in view of the cancellation of these claims.

Rejection Under 35 U.S.C. § 103(a)

Claims 48 and 49 have been rejected over Bunczek et al. and claims 1-10, 12-18, 22-32, 34-40, and 45-51 have been rejected over Mansukhani et al. This rejection is overcome in view of the amendment of claims 1, 23, 46, and 47 together with the following remarks.

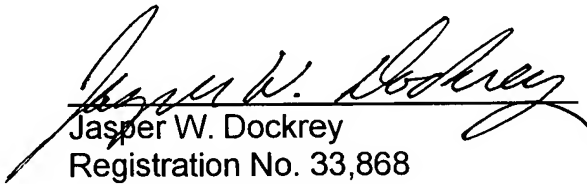
The applicants' foregoing remarks pertaining to Bunczek et al. are incorporated herein. The pending claims differ from Mansukhani et al. at least because Mansukhani et al. does not suggest or disclose a gum base having more than 10% ultra high molecular weight polyvinyl acetate. (See for example Col. 3, ll. 45-53). Further, Mansukhani et al. does not suggest or disclose the addition of ultrahigh molecular weight polyvinyl acetate to a gum base formulation in order to increase the cohesiveness of the gum base. Rather than disclosing a gum base having high cohesiveness, Mansukhani et al. disclose the addition of surfactants in order to provide the finished chewing gum with a desired softness and non-stickiness. (See for example Col. 5, ll. 6-21).

Dependent claims 2-10, 13, 15-16, 24-32, 35, 37-38, 45, and 48-51 are allowable in view of the amendment and remarks pertaining to the independent claims from which they directly or indirectly depend.

The rejection of claims 12, 14, 34, 36, and 39-40 is now moot in view of the cancellation of these claims.

The applicants have made a novel and nonobvious contribution to the art of chewing gum formulation. The claims at issue distinguish over the cited references and are in condition for allowance. Accordingly, such allowances now earnestly requested.

Respectfully submitted,


Jasper W. Dockrey
Registration No. 33,868
Attorney for applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200